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From: Vrooman Gary L
To: DRUBACK Lissa; MOORE Fredrick
Cc: WHEELER Sarah; DUVAL Rich
Subject: RE: Treatment at Lockheed Martin The Dalles Facility
Date: Monday, June 18, 2012 3:15:28 PM

Hi Lissa,

Its not clear to me exactly what EPA has in mind with respect to closing the "treatment units." Is there really anything that needs to be done to stop using the fan and light beyond turning them off and maybe removing them? I do think that DEQ could provide for turning off and removing the fan in the renewal permit. I don't think I would frame it in the permit as "closing a treatment unit" though.

As I understand the situation, Lockheed was authorized by the permit to use the light bulb and the fan. Further, the use of the light and fan was an optional activity that Lockheed could stop at any time at its discretion. DEQ did not consider this "treatment" at the time and did not impose permit conditions on the use of the light and fan that might generally relate to a treatment unit. Rather, DEQ considered these activities something along the lines of routine maintenance of the closed landfill. Whether or not the light bulb and fan should technically have been designated as "treatment," Lockheed was fully authorized by its permit to use them under the conditions imposed by the permit and therefore was in compliance with RCRA while using the fan/light under the conditions provided by the permit. Its not at all clear to me how that changes the status of permit and requires that DEQ issue a "active permit" now. I would be interested in seeing EPA's argument to that effect. I don't think I see it in the letter they provided.

Moving forward, if Lockheed intended to continue the activity and DEQ determined it was treatment, DEQ would probably have to issue a renewal permit that included all of the bells and whistles for an active treatment unit. However, as I understand Lockheed has stopped using the fan/light (which I understand it is also authorized to do under its current permit, at its discretion) and is no longer proposing to use the fan/light in the renewal permit, I'm not sure I see DEQ's hook for requiring them to obtain an "active" treatment permit. DEQ could probably impose whatever conditions it thought necessary to protect human health and the environment, in light of the past use of the fan/light, and probably could provide direction for stopping the use fan/light as DEQ deems necessary along those lines. As I understand the situation, I suspect their probably really aren't any HH&E concerns with respect to the use of the light/fan.

Does that make sense? Let me know if you want to discuss.

Gary

From: DRUBACK Lissa [mailto:DRUBACK.Lissa@deq.state.or.us]
Sent: Friday, June 15, 2012 10:12 AM
To: MOORE Fredrick; VROOMAN Gary L
Cc: WHEELER Sarah; DUVAL Rich
Subject: RE: Treatment at Lockheed Martin The Dalles Facility

Gary, one outstanding issue is EPA has told us in a phone call, but it is not in this letter, that just the fact that the blower was turned on now requires an active treatment permit even if LM has now turned them off. Our position is we can cover the closure of the treatment units in the postclosure permit and do not need an active or closure permit. Would you agree with that?

From: MOORE Fredrick

Sent: Friday, June 15, 2012 10:02 AM

To: VROOMAN Gary L; DRUBACK Lissa; WHEELER Sarah; DUVAL Rich

Subject: Treatment at Lockheed Martin The Dalles Facility

Hi Gary,

Attached is the EPA letter to DEQ with their justification of use of a 100-watt light bulb and .27 hp vacuum blower (well, they actually mention a 3,000 watt thermal unit but I have told them they never used it) as treatment.

I talked with ARCADIS (the co-permittee) this morning and they are going to abandon use of the light bulb and the vacuum blower. Per my suggestion they will put this in writing so I think as far as the permit renewal goes, the treatment question goes away.

There is the outstanding issue of EPA wanting "closure" of the treatment. I'm not exactly sure what the expectation is in EPA's mind, so I have left it to ARCADIS to state in writing what they are going to do with the bulb and blower. Then we can respond.

My next step is to respond to EPA's letter.

Gary, we probably haven't told you much about the latest development about the RCRA landfill. If you have some free time go ahead and give me a call and I can give you the latest updates although it's not really a legal question we're dealing with.

Cheers, Fredrick

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